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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

THE PEOPLE,

Plaintiff and Respondent,

v.

VICTOR GARCIA ESPINOZA, SR.,

Defendant and Appellant.

E062845

(Super.Ct.No. BAF1100553)

OPINION

APPEAL from the Superior Court of Riverside County. Becky Dugan, Judge.

Affirmed.

Jared G. Coleman, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Victor Garcia Espinoza, Sr., was charged by information with resisting an officer (Pen. Code, § 69, count 1) and possession of a controlled substance (Health & Saf. Code, § 11350, subd. (a), count 2). It was alleged that he had six prior strike convictions (Pen. Code, §§ 1170.12, subd. (c)(2)(A), 667, subds. (c) &

(e)(2)(A)), including a 1984 conviction for attempted murder (Pen. Code, §§ 664/187).

Pursuant to a plea agreement, defendant pled guilty to both counts, admitted all six prior strike convictions, and waived 870 days of credit. In exchange, the trial court struck all but one prior strike conviction and sentenced defendant to a total of seven years four months in state prison.

On November 19, 2014, defendant filed a petition for resentencing under Penal Code section 1170.18, in propria persona. The prosecution filed a response, asserting that defendant was not entitled to the relief requested because of his disqualifying prior conviction of attempted murder. The court held a hearing, and the public defender stipulated that defendant was not eligible for resentencing under Penal Code section 1170.18. The court found defendant ineligible and denied the petition.

Defendant filed a timely notice of appeal, challenging the denial of the resentencing petition. We affirm.

### PROCEDURAL BACKGROUND

Defendant was charged with and admitted that, on or about August 23, 2011, he committed the offenses of resisting an officer (Pen. Code, § 69) and possession of a controlled substance (Health & Saf. Code, § 11350, subd. (a)).

### DISCUSSION

Defendant appealed and, upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of

the case and no potential arguable issues. Counsel has also requested this court to undertake a review of the entire record.

We offered defendant an opportunity to file a personal supplemental brief, which he has not done.

Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have conducted an independent review of the record and find no arguable issues.

DISPOSITION

The judgment is affirmed.

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HOLLENHORST  
J.

We concur:

RAMIREZ  
P. J.

CODRINGTON  
J.